

In re Application of: Richardson
Application No.: 09/830,727

REMARKS

The Claims

Claims 29 and 38 have been re-drafted to more particularly point out and distinctly claim the present invention. In particular, the elements of claims 30 and 39 have been incorporated into independent claims 29 and 38, respectively, and claims 30, 39, and 52 have been cancelled. New claim 53 is a Beauregard version of claim 29, as amended.

Office Action

The Final Office Action rejects claims 29 through 51 as allegedly anticipated by U.S. Patent 5,892,441 ("Woolley") under 35 U.S.C. § 102(e).

Discussion of the Final Office Action

In support of the rejection, particularly of claims 30 and 39, the Office cites column 20, lines 30-52, of Woolley. In this regard, the Office asserts that Woolley teaches "a method of monitoring wherein the parameter is measured continuously or at predetermined intervals, and wherein the data include time-indicative data associated with the measured parameters." See the Final Office Action at page 3, first paragraph.

However, there is no basis whatsoever in Woolley that supports the Office's assertion. Rather, Woolley, at column 20, lines 30-52, teaches a tag, which is in a "sleep state" and only periodically "awakened." According to Woolley, e.g., at column 20, lines 8-11, "[i]n use, the tag conserves energy by remaining in a low power state for approximately 99% of its lifetime. The tag remains in one type of low power state (a comatose state) until activated by an interrupt signal" Woolley, column 13, lines 25-31, further states: "The tags further conserve energy by only reporting the existence of exceptional conditions to the device, *instead of continuously reporting* normal conditions. For example, a tag *only communicates the fact that a temperature of an asset exceeds a given threshold, instead of continually reporting* the temperature to the device." (Emphasis added.)

As such, Woolley does not teach or suggest measuring continuously or at predetermined intervals a parameter, and transmitting continuously or at predetermined intervals a signal comprising data (and much less time-indicative data) associated with the parameter, as provided by Applicant's invention. Indeed, Woolley teaches against Applicant's invention to the extent that Woolley teaches maintaining the tag in a "comatose" state for 99% of its lifetime.

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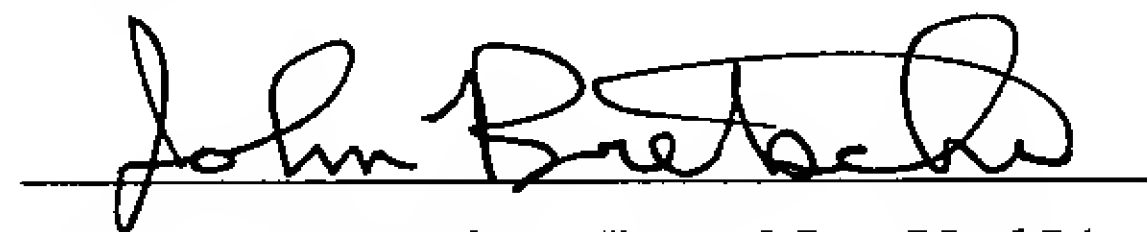
By contrast, Applicant's invention provides, for example, monitoring tags, which can be affixed to an item of commerce (e.g., perishable food) to measure and report continuously or at predetermined intervals the temperature of the item as it is being shipped from a wholesaler to a retail outlet. See, e.g., Figure 4, which illustrates an actual output status report of the temperature and travel time history of a product, in real time, printed from a central database via the Internet. No such method is taught or suggested by the cited art.

In view of the foregoing, the pending claims are patentable over the cited art. Accordingly, reconsideration is requested.

Conclusion

The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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